



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 22, 1998

Mr. Richard Brown
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-3227

Dear Mr. Brown:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120446.

The City of Dallas ("the city") received a request for offense incident reports 29852-A and 823320-Z. You state that you have released report 823320-Z but seek to withhold the narrative portion of report 29852-A, which you assert is excepted from public disclosure by section 552.101 of the Government Code in conjunction with the common-law right of privacy. You have submitted the responsive information. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Information must be withheld from required public disclosure under common-law privacy if it meets the criteria articulated for section 552.101 by the Texas Supreme Court in *Industrial Found. v. Texas Industrial Accident Board*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977), to wit:

- (1) the information contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and
- (2) the information is not of legitimate concern to the public.

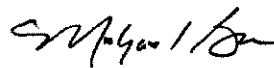
In *Industrial Foundation*, the Texas Supreme Court considered information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs to be intimate and embarrassing information. 540 S.W.2d at 683; *see also*, Open Records Decision Nos. 470 (1987) (concluding that fact that person broke out in hives as result of severe emotional distress is excepted by common-law privacy), 455 (1987) (concluding that kinds of prescription drugs person is taking are protected by common-law privacy), 422 (1984) (concluding that details of attempted suicides are confidential), 343 (1982) (concluding that information regarding drug overdoses, acute alcohol intoxication, obstetrical/gynecological illnesses, convulsions/seizures, or emotional/mental distress is protected by common-law privacy).

Our office has addressed the privacy concerns raised by reports of attempted suicides, holding, "[T]here is in our view a presumption that the details of any instance of a self-inflicted wound, beyond the mere fact that it is self-inflicted, are excepted from disclosure by common law privacy; that presumption may be overcome by a demonstration that the public has a substantial interest in a particular incident." Open Records Decision No. 422 (1984).

As there has been no showing that the public has a substantial interest in this particular incident, we agree that the narrative portion of the subject report constitutes information that is considered confidential under the above analysis. This information must not be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael J. Burns
Assistant Attorney General
Open Records Division

MB/ch

Ref: ID# 120446

Enclosures: Submitted documents

cc: Mr. Paul Hamilton
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Dallas, Texas 75243
(w/o enclosures)